

**Dave Shostack**

4 Suttonwood Dr.  
Commack, N.Y. 11725  
(631) 864-2656

March 30, 2011

Judge Gerber  
US Bankruptcy Court  
Southern District of New York  
1 Bowling Green Way  
New York, NY 10004

RE: Dave Shostack v. Motors Liquidations Et Al.  
Case No.: 09-50026 (REG)

Dear Judge Gerber:

I am rejecting the Defendant's Sur-Reply because it is untimely and should not even be considered, especially given the fact that Defendant would have to take leave of the court in order for the court to consider his Sur-Reply as per attorney that Plaintiff spoke with.

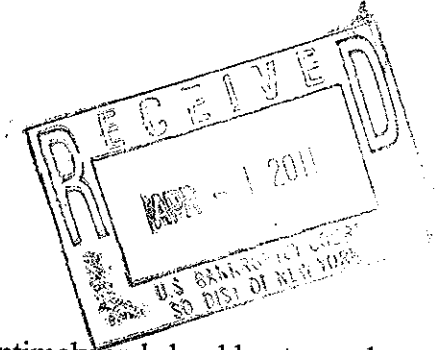
There is nothing in the CPLR that allows for this.

Sincerely,



Dave Shostack

CC: Joseph. H. Smolinsky ESQ.  
Weil, Gotshal & Manges ESQS.  
(Attorney for Defendant Motors Liquidations Et Al.)



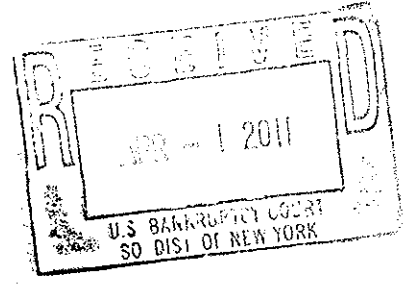
**Dave Shostack**

4 Suttonwood Dr.  
Commack, N.Y. 11725  
(631) 864-2656

March 30, 2011

Joseph Smolinsky ESQ  
Weil, Gotshal ESQS.  
767 5<sup>th</sup> Av.  
New York, NY 10153

RE: Dave Shostack v. Motors Liquidations Et Al.  
Case No.: 09-50026 (REG)



Dear Mr. Smolinsky:

I am rejecting your Sur-Reply because it is untimely and should not even be considered, especially given the fact that you would have to take leave of the court in order for the court to consider your Sur-Reply as per attorney that I spoke with.

There is nothing in the CPLR that allows for this.

Sincerely,

Dave Shostack

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DAVE SHOSTACK, PLAINTIFF,

CHAPTER 11 CASE NO.:  
09-50026 (REG)

-AGAINST-

AFFIDAVIT OF  
SERVICE

MOTORS LIQUIDATION COMPANY, ET AL,  
f/k/a  
GENERAL MOTORS CORP ET AL.


DEFENDANTS.

-----X  
DAVE SHOSTACK sworn and deposes and says:


That I reside at 4 Suttonwood Dr. Commack, NY and am over 18 years of age.

That on the 30<sup>th</sup> day of MARCH 2011 I MAILED A COPY OF A LETTER  
REJECTING DEFENDANT'S SUR-REPLY TO DEFENDANTS ATTORNEY  
JOSEPH H. SMOLINSKY ESQ at the law firm of WEIL, GOTSHAL & MANGES  
ESQS located at 767 FIFTH AV., NEW YORK, NY BY REGULAR MAIL WITH  
PROOF OF MAILING.

Sworn to:

  
DAVE SHOSTACK

On this 30<sup>TH</sup> day of MARCH 2011

  
HOWARD E. KNISPEL  
NOTARY PUBLIC STATE NY  
NO. 02KN6020498  
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COMM. EXPIRES 3-01-15

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From: Dave Shostack  
4 Suttonwood Dr  
Commack, NY 11717

To: Joseph Smolensky Esq  
Wendy Gotshal Esq  
767 15th Av  
New York, NY 1015

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